IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELVETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11681 of 2004

Between:

Yudhveer Lodha, s/o.Mahaveer Tuljaram
R/o.1-24/1, nanakramguda (V), Serilingampally (M),RR Dist.

..... PETITIONER

AND

1 Govt. of A.P.rep.by Prl.Secretary, B.C. Welfare Dept., Secretariat, Hyderabad.
2 The Commissioner, Backward Class Welfare Dept., Masab Tank, Hyderabad.
3 The Controller of Examinations, University Campus, Osmania University, Hyderabad.
4 The District Collector, RR Dist. Hyderbad.
5 The Principal, Deccan College of Engineering and Technology, Nampally, Hyderabad.
6 The Convenor, EAMCET -2002(Admissions) and Commissioner of Technical Education, Sanketika Vidya Bhavan, MasabTank, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents herein a) To direct the fifth respondent to permit the petitioner to purse his B.E. Course. b) By Setting aside letter No.EAMCET-2002 /Admissions / pending cases dt.26-05-2004 of the sixth respondent; c) To direct the first respondent to dispose of the appeal preferred by the petitioner with regard to petitioner's caste status d) By holding the action of the respondents in not disposing of said appeal/ stay petition despite the directions of this Hon'ble High Court in W.P.No. 5051 of 2004 dt.31-03-2004 and further action of sixth respondent in canceling petitioner's admission as bad, illegal, arbitrary and unconstitutional and violative of Article 14 and 21 of Constitution of India, pending the appeal before the government as bad, illegal, arbitrary and unconstitutional, and to pass.

Counsel for the Petitioner:MR.P.V.SANJAY KUMAR

Counsel for the Respondent Nos 1, 2,4 and 6.: GP FOR SOCIAL SCHOOL

EDUCATION

Counsel for respondent No.3 : Sri Deepak BHATTACHARJEE, Standing Counsel

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The case of the petitioner in brief is that he secured seat in B.E. (Information and Technology) under BC-A reservation category in 5th respondent – College, and on an objection raised by the Principal of the College, he faced an enquiry with regard to the caste certificate issued to him and on the directions issued by this court in W.P.No.24252 of 2002 and W.P.No.22115 of 2003 he was permitted to attend the classes and write the examinations and he is presently studying II year.

Ultimately, when the 4th respondent issued proceedings dated 16-12-2003 cancelling the caste certificate issued in his favour, the petitioner filed W.P.No.5051 of 2004, which was disposed of with a direction that the petitioner can approach the Government by filing an appeal against the order of the 4th respondent and with a further direction to the Government to dispose of the said appeal/stay application within one week from the date of receipt of the said appeal.

The main grievance of the petitioner is that pursuant to the directions of this Court, though he filed an appeal as far back as on 8-4-2004 before the 1st respondent, neither the appeal has been disposed of nor any orders have been passed on the interlocutory application.

When the matter came up on 9-7-2004, the learned Government Pleader for School Education submitted that there is no appeal said to have been filed by the petitioner, pending before the Government and sought time to get instructions. Today, when the matter is taken up, the learned counsel for he petitioner produced an acknowledgement which shows that on 8-4-2004, the petitioner, in fact, filed an appeal which was received in the office of the Secretary to Government, B.C. Welfare Department, Government of Andhra Pradesh, Hyderabad – 1st respondent herein.

In the circumstances, the 1st respondent is directed to consider and dispose of the appeal filed by the petitioner under Section 7(2) of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issue of Community) Certificates Act, 1993 and pass appropriate speaking orders expeditiously, within one week time. If he is unable to dispose of the same, pending disposal of the appeal, he may pass appropriate orders on the interlocutory application within a period of one week from today.

The writ petition is disposed of with the above directions. No costs.

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12-7-2004

Note:

Issue C.C. by tomorrow

B/o

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To

1 Govt. of A.P.rep.by Prl.Secretary, B.C. Welfare Dept., Secretariat, Hyderabad.
2 The Commissioner, Backward Class Welfare Dept., Masab Tank, Hyderabad.
3 The Controller of Examinations, University Campus, Osmania University, Hyderabad.
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7. Two C.Cs. to G.P. for School Education, High Court buildings, (OUT)

8. Two C.D. copies